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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

TERRENCE D. WATKINS,

Defendant and Appellant.

D061551

(Super. Ct. No. SCD236887)

APPEAL from a judgment of the Superior Court of San Diego County, Charles G. Rogers, Judge. Affirmed with directions.

In November 2001 defendant Terrence D. Watkins¹ pleaded guilty to one count of conspiracy to commit a home invasion robbery in concert (Pen. Code,² §§ 182, subd. (a), 211, 212.5, subd. (a), 213, subd. (a)(1)(A)(B)). Watkins also pleaded guilty to a gang

¹ Defendant is variously identified as "Terrence Darnelle Watkins" (complaint/probation report), "Terrence Darnell Watkins" (sentencing memo), "Terrence D. Watkins" (abstract of judgment), and "Terrance Watkins" (letter from his mother/second and third pages of the plea of guilty form). The defendant signed his name as "Terrence D. Watkins, Jr." (background information form) and "Terrence Darnelle Watkins, Jr." (notice of appeal). In light of these inconsistencies, we will remand the matter to the trial court for a determination of defendant's true name and, if necessary, correction of the abstract of judgment in that regard.

² All further undesignated statutory references are to the Penal Code.

enhancement and personal use of a firearm enhancement (§§ 186.22, subd. (b)(1), 12021.5, subd. (a)). Watkins also admitted a serious prior felony and prior strike allegations. The court denied Watkins's motion to strike his prior strike conviction made pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

The court sentenced Watkins to a total of 13 years in state prison for the conspiracy to commit home invasion robbery in concert, comprised of the lower term of three years, doubled to six years due to the strike prior, plus five years for the serious felony prior, and the middle term of two years for the firearm allegation. The court struck the gang allegations and prison priors.

Counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*) raising possible, but not arguable issues. We offered Watkins the opportunity to file his own brief on appeal, but Watkins has not responded.

FACTUAL BACKGROUND³

Between August 2011 and October 2011, Watkins and his five codefendants conspired to commit the crime of home invasion robbery in concert and the crime of transportation and distribution of 15 kilos of cocaine. The conspiracy consisted of overt act No. 1, in which codefendants Deandre Towers and Bobby Ford met with an undercover agent and discussed the robbery and theft of 15 kilos of cocaine; overt act No.

³ Because the underlying facts are not relevant to the issues raised on appeal, we state them only briefly. Additionally, because there was no preliminary hearing transcript or police report to provide a factual basis for Watkins's plea, we take the facts from the probation officer's report.

2, in which Watkins and his codefendants met with an undercover agent at a Best Buy in National City to stage the robbery; overt act No. 3, in which Watkins and his codefendants went to a warehouse in National City to stage the robbery; and overt act No. 4, in which Watkins and his codefendants acquired guns to be used in the robbery.

DISCUSSION

Appellate counsel has filed a brief indicating he is unable to identify any argument for reversal and asks this court to review the record for error as mandated by *Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders, supra*, 386 U.S. 738, the brief identifies four possible, but not arguable, issues: (1) whether the court abused its discretion in refusing to strike his prior strike conviction, (2) whether the court abused its discretion by imposing a consecutive sentence for the firearm enhancement, (3) whether the court abused its discretion or committed sentencing error by imposing a sentence that was longer than the one the People had earlier offered as a stipulated sentence, and (4) whether his case should be remanded for resentencing due to ineffective assistance of counsel at sentencing.

We have reviewed the record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, and have not found any reasonably arguable appellate issues. Competent counsel has represented Watkins on appeal.

DISPOSITION

The judgment is affirmed. In light of the inconsistencies in the record, the matter is remanded to the trial court to determine defendant's true name and, if necessary, to correct the abstract of judgment in that regard.

NARES, J.

WE CONCUR:

HUFFMAN, Acting P. J.

O'ROURKE, J.